

**Arizona Supreme Court**  
**Criminal Post Conviction**

**CR-16-0265-PC**

**STATE OF ARIZONA v BRIAN JEFFREY DANN**

**Appellate Case Information**

Case Filed: 13-Jul-2016  
Case Closed:

**Dept/Composition**

**Side 1. STATE OF ARIZONA, Plaintiff**

(Litigant Group) STATE OF ARIZONA

- State of Arizona, Respondent

**Attorneys for: Plaintiff**

John R Lopez, IV, Esq. (AZ Bar No. 19182)  
Lacey Stover Gard, Esq. (AZ Bar No. 22714)  
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**Side 2. BRIAN JEFFREY DANN, Defendant**

(Litigant Group) BRIAN JEFFREY DANN

- Brian Jeffrey Dann, Petitioner

**Attorneys for: Defendant**

Matthew G Newman, Esq. (AZ Bar No. 13626)

**CASE STATUS**

Jul 13, 2016.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR1999-003536			Michael W Kemp, Judge on PC	JURY	

**48 PROCEEDING ENTRIES**

1.	13-Jul-2016	FILED: Motion to Exceed Page Limitation; Certificate of Service (Defendant Dann)			
2.	14-Jul-2016	A "Motion to Exceed Page Limitation" (Petitioner Dann) having been filed, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended pagination,  IT IS ORDERED denying the motion without prejudice to Petitioner Dann filing the motion when the Petition for Review is submitted for filing. (Janet Johnson, Clerk)			
3.	26-Aug-2016	FILED: Petition for Review of Summary Denial of Petition for Post-Conviction Relief; Certificate of Service; Page Intentionally Left Blank (Defendant Dann)			
4.	26-Aug-2016	FILED: Renewed Motion to Exceed Page Limitation; Certificate of Service (Defendant Dann)			
5.	26-Aug-2016	FILED: E-Filing Appendix No. 1 Petition for Review App. Nos. 1-6; Certificate of Service (Defendant Dann)			
6.	26-Aug-2016	FILED: E-Filing Appendix No. 2 Petition for Review App. No. 6 - PCR Petition Exhibits 1-18; Certificate of Service (Defendant Dann)			
7.	26-Aug-2016	FILED: E-Filing Appendix No. 3 Petition for Review App. No. 6 - PCR Petition Exhibits 19-55; Certificate of Service (Defendant Dann)			
8.	26-Aug-2016	FILED: E-Filing Appendix No. 4 Petition for Review App. No. 6 - PCR Petition Exhibits 56-67; Certificate of Service (Defendant Dann)			
9.	26-Aug-2016	FILED: E-Filing Appendix No. 5 Petition for Review App. No. 6 - PCR Petition Exhibit 68; Certificate of Service (Defendant Dann)			
10.	26-Aug-2016	FILED: E-Filing Appendix No. 6 Petition for Review App. Nos. 8-16; Certificate of Service (Defendant Dann)			
11.	26-Aug-2016	FILED: E-Filing Appendix No. 7 Petition for Review App. Nos. 17-19; Certificate of Service (Defendant Dann)			
12.	26-Aug-2016	FILED: E-Filing Appendix No. 8 Petition for Review App. Nos. 20-22; Certificate of Service (Defendant Dann)			
13.	26-Aug-2016	FILED: E-Filing Appendix No. 9 Petition for Review App. No. 23; Certificate of Service (Defendant Dann)			
14.	26-Aug-2016	FILED: E-Filing Appendix No. 10 Petition for Review App. No. 24; Certificate of Service (Defendant Dann)			
15.	26-Aug-2016	FILED: E-Filing Appendix No. 11 Petition for Review App. Nos. 25-26; Certificate of Service (Defendant Dann)			

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| 16. | 26-Aug-2016 | FILED: E-Filing Appendix No. 12 Petition for Review App. Nos. 27-28; Certificate of Service (Defendant Dann)  |
| 17. | 26-Aug-2016 | FILED: E-Filing Appendix No. 13 Petition for Review App. Nos. 29-38; Certificate of Service (Defendant Dann)  |
| 18. | 26-Aug-2016 | FILED: E-Filing Appendix No. 14 - Petition for Review App. Nos. 39-40; Certificate of Service (Defendant Dann)  |
| 19. | 26-Aug-2016 | FILED: E-Filing Appendix No. 15 Petition for Review App. Nos. 41-44; Certificate of Service (Defendant Dann)  |
| 20. | 26-Aug-2016 | FILED: E-Filing Appendix No. 16 Petition for Review App. No. 45; Certificate of Service (Defendant Dann)  |
| 21. | 26-Aug-2016 | FILED: E-Filing Appendix No. 17 Petition for Review App. No. 46; Certificate of Service (Defendant Dann)  |
| 22. | 26-Aug-2016 | FILED: E-Filing Appendix No. 18 Petition for Review App. No. 47; Certificate of Service (Defendant Dann)  |
| 23. | 26-Aug-2016 | FILED: E-Filing Appendix No. 19 Petition for Review App. No. 48; Certificate of Service (Defendant Dann)  |
| 24. | 26-Aug-2016 | FILED: E-Filing Appendix No. 20 Petition for Review App. Nos. 49-51; Certificate of Service (Defendant Dann)  |
| 25. | 26-Aug-2016 | FILED: E-Filing Appendix No. 21 Petition for Review App. Nos. 52-56; Certificate of Service (Defendant Dann)  |
| 26. | 26-Aug-2016 | FILED: E-Filing Appendix No. 22 Petition for Review App. No. 57; Certificate of Service (Defendant Dann)  |
| 27. | 26-Aug-2016 | FILED: E-Filing Appendix No. 23 Petition for Review App. No. 58; Certificate of Service (Defendant Dann)  |
| 28. | 26-Aug-2016 | FILED: E-Filing Appendix No. 24 Petition for Review App. Nos. 59-62; Certificate of Service (Defendant Dann)  |
| 29. | 26-Aug-2016 | FILED: E-Filing Appendix No. 25 Petition for Review App. Nos. 63-64; Certificate of Service (Defendant Dann)  |
| 30. | 26-Aug-2016 | FILED: E-Filing Appendix No. 26 Petition for Review App. No. 65; Certificate of Service (Defendant Dann)  |
| 31. | 26-Aug-2016 | A "Renewed Motion to Exceed Page Limitation" (Petitioner Dann) having been filed, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended pagination,<br><br>IT IS ORDERED granting Petitioner's motion to exceed the page limit on the Petition for Review by 23 pages, for a total of 43 pages. The Petition for Review shall be filed as of August 26, 2016. (Janet Johnson, Clerk)   |
| 32. | 29-Aug-2016 | FILED: Notice of Filing Petition for Review Appendix No. 7 (Petition for Post-Conviction Relief - Exhibit Nos. 20, 45, 49 & 50 & Appendix No. 31 UNDER SEAL (Defendant Dann)  |
| 33. | 29-Aug-2016 | FILED: (UNDER SEAL) Petition for Review Appendix No. 7 (Petition for Post-Conviction Relief - Exhibit Nos. 20, 45, 49 & 50) & Appendix No. 31 (Defendant Dann)  |
| 34. | 2-Sep-2016  | FILED: Notice of Filing Amended Petition for Review of Summary Denial of Petition for Post-Conviction Relief; Certificate of Service (Defendant Dann)   |
| 35. | 2-Sep-2016  | FILED: Amended Petition for Review of Summary Denial of Petition for Post-Conviction Relief (Defendant Dann)  |
| 36. | 26-Sep-2016 | FILED: The State of Arizona's Opposition to Petition for Review; Certificate of Service; Appendices in Support of the State's Opposition to Petition for Review; Certificate of Compliance (Plaintiff State)  |
| 37. | 26-Sep-2016 | FILED: Motion to Exceed Page Limit for Response to Petition for Review; Certificate of Service (Plaintiff State)  |
| 38. | 27-Sep-2016 | FILED: Motion for Extension of Time to File Reply to State's Opposition to Petition for Review (Capital Case); Certificate of Service (Defendant Dann)  |
| 39. | 28-Sep-2016 | A "Motion to Exceed Page Limit for Response to Petition for Review" having been filed with a 42-page State of Arizona's Opposition to Petition for Review, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended pagination,<br><br>IT IS ORDERED granting Plaintiff State's request to exceed the 20-page limit stated in Rule 32.19(c)(2), Arizona Rules of Criminal Procedure by 22 pages.<br><br>IT IS FURTHER ORDERED that Plaintiff State of Arizona's Opposition to Petition for Review is filed as of September 26, 2016. (Janet Johnson, Clerk) |

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40. 28-Sep-2016 A "Motion for Extension of Time to File Reply to State's Opposition to Petition for Review (Capital Case) (Defendant Dann)" having been filed on September 27, 2016,
- IT IS ORDERED granting a first extension of time to file the Reply to State's Opposition to Petition for Review on or before October 25, 2016. (Janet Johnson, Clerk)
41. 29-Sep-2016 FILED: State's Motion for Court to Order Trial Court to Prepare and Transmit Record; Certificate of Service (Plaintiff State)
42. 4-Oct-2016 Upon considering the State's Motion for Court to Order Trial Court to Prepare and Transmit Record,
- IT IS ORDERED that the motion is granted.
- IT IS FURTHER ORDERED that no later than November 3, 2016, and pursuant to Rule 32.9(e), Ariz. R. Crim. P., the Clerk of the Maricopa County Superior Court shall electronically transmit to the Clerk of this Court the record of Rule 32 post-conviction proceedings in State v. Dann, case number CR1999-003536, with an index of record. The superior court clerk shall not send any exhibit that cannot be provided as an electronic copy. (Hon. John Pelander)
43. 19-Oct-2016 FILED: (Second) Motion for Extension of Time to File Reply to State's Opposition to Petition for Review; Certificate of Service (Defendant Dann)
44. 19-Oct-2016 A "(Second) Motion for Extension of Time to File Reply to State's Opposition to Petition for Review" having been filed on October 19, 2016,
- IT IS ORDERED granting a second extension of time to file the Reply to State's Opposition to Petition for Review on November 22, 2016. (Hon. John Pelander)
45. 2-Nov-2016 FILED: Record from MCSC No CR-1999-003536: Instruments and MEs (electronic)
46. 17-Nov-2016 FILED: Motion to Exceed Page Limitation; Certificate of Service (Defendant Dann)
47. 17-Nov-2016 FILED: Reply to Opposition to Petition for Review; Certificate of Service (Petitioner)
48. 21-Nov-2016 A "Motion to Exceed Page Limitation" and "Reply to Opposition to Petition for Review" having been filed by Defendant Dann, and the Clerk of the Court having been authorized by the Supreme Court to enter orders granting or denying requests for extended pagination,
- IT IS ORDERED granting Defendant's motion to exceed the page count limit on the Reply to Opposition to Petition for Review by 10 pages for a total of 20 pages. The Reply to Opposition to Petition for Review shall be filed as of November 17, 2016. (Janet Johnson, Clerk)